

Service Date: February 4, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of the Application of	)	UTILITY DIVISION
MONTANA-DAKOTA UTILITIES COMPANY, a)	)	
Division of MDU Resources Group,	)	
Inc., for Authority to Implement the	)	DOCKET NO. 90.11.75
Gas Cost Tracking Procedure to Estab-	)	
lish Decreased Rates for Gas Service.	)	ORDER NO. 5524a

ORDER VACATING FIRST INTERIM ORDER

FACTS AND BACKGROUND

On November 1, 1990 Montana-Dakota Utilities Company (MDU) filed to implement its tariff Rate 87 and Rate 88, Gas Cost Tracking Adjustment Procedure (tracker), before the Montana Public Service Commission (PSC).

On December 7, 1990 the PSC issued Order No. 5524, Interim Order Rejecting Application, rejecting MDU's filing for noncompliance with requirements imposed by Order No. 5490 in PSC consolidated Docket Nos. 87.7.33, et al., and a PSC formal request by letter dated October 3, 1990.

The interim order directed MDU to file amended Rate 87 and Rate 88 tariff sheets and refile in compliance to implement the tracker and also suspended certain authority allowing MDU to defer costs into the unreflected account.

Between December 7, 1990 and January 15, 1991 a number of events occurred. The exact dates and order of occurrence are inconsequential. These events are as follows:

- a. The PSC issued Order No. 5490a, reconsideration of Order No. 5490, in part affecting tracker filing requirements;
- b. MDU filed a request for a stay of the interim order pending discussion and identification of tracker filing requirements;
- c. The PSC granted this requested stay;
- d. MDU filed amended Rate 87 and Rate 88 tariff sheets;
- e. PSC and MDU discussions and identification of tracker filing requirements were conducted; and
- f. MDU filed a revised application to implement its tracker.

MDU expressly notes in its revised application that it disputes the validity of Order No. 5524, but revises its application to avoid litigation.

The PSC disagrees with MDU on the validity of Order No. 5524.

By January 15, 1991 MDU had filed revised Rate 87 and Rate 88 tariff sheets and filed its revised application to implement its tracker in compliance with Order Nos. 5490 and 5490a, and the PSC's October 3, 1990 letter request.

### ORDER

MDU's revised application filed January 15, 1991 will be treated as if filed in compliance on November 1, 1990, except all times established by tariff or rules of the PSC for PSC notices, orders and actions shall run from January 15, 1991.

Order No. 5524, Interim Order Rejecting Application, issued December 7, 1990, in the above-entitled matter is VACATED.

Done and Dated this 16th day of January, 1991 by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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HOWARD L. ELLIS, Chairman

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DANNY OBERG, Vice Chairman

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BOB ANDERSON, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.